

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Felix P.,

Case No. 19-CV-36 (NEB/KMM)

Petitioner,

v.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

SECRETARY OF DEPARTMENT OF
HOMELAND SECURITY; GENERAL
WILLIAM BARR, United States Attorney
General; PETER BERG, ICE Field Office
Director; and KURT FREITAG, Freeborn
County Sheriff,¹

Respondents.

This is a habeas action brought under 28 U.S.C. § 2241 by Petitioner Felix P., a removable alien. In a Report and Recommendation dated April 11, 2019 [ECF No. 14 (“R&R”)], United States Magistrate Judge Katherine Menendez recommended that the Petition be denied as moot, the TRO motion be denied, and that the suit be dismissed without prejudice because Petitioner was returned to Liberia and the Court cannot give him the relief he seeks—an order requiring immediate release pending removal. No objections have been filed to the R&R in the time period permitted. Based on the R&R of

¹ Pursuant to Fed. R. Civ. P. 25(d), the Court orders that caption shall be amended as follows: William Barr, United States Attorney General, shall replace Matthew Whitaker; and Peter Berg, Acting Field Office Director, United States Immigration and Customs Enforcement, shall replace Scott Baniecke.

Judge Menendez, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that the Petition [ECF No. 1] is DENIED AS MOOT, the TRO motion [ECF No. 6] is DENIED, the motion to dismiss [ECF No. 12] is GRANTED, and this action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 14, 2019

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge